

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

DESJARLAIS *et al.*

Application No. 10/611,363

Filed: 07/01/2003

For: *Novel Variants of RANKL Protein*

Examiner: DEBERRY, Regina M.

Art Unit: 1647

Conf. No. 4995

**CERTIFICATE OF ELECTRONIC
TRANSMISSION UNDER 37 C.F.R. 1.6(a)(4)**

I hereby certify that this correspondence, including listed enclosures, is being electronically transmitted in Portable Document Form (PDF) through EFS-Web via Hyper Text Transfer Protocol to the United States Patent and Trademark Office on:

Dated: November 6, 2007

Signed: 
Victoria Linne Poulsen

**TERMINAL DISCLAIMER TO
OBVIATE A DOUBLE PATENTING REJECTION
(BASED ON PENDING APPLICATION)**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, **Xencor, Inc.** (hereinafter "Xencor"), represents that it is the assignee of the entire right, title, and interest of:

1. The instant application, U.S. Serial No. 10/611,363, filed July 1, 2003, pursuant to an Assignment recorded on April 19, 2004 at Reel/Frame 015227/0430, and
2. U.S. Serial No. 10/338,785, filed January 6, 2003, pursuant to an Assignment recorded on May 7, 2003 at Reel/Frame 014037/0756.

Xencor hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as shortened by any terminal disclaimer of U.S. Serial No. 10/338,785, filed January 6, 2003; and

Xencor hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This

agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Xencor does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Serial No. 10/338,785, filed January 6, 2003, as shortened by any terminal disclaimer, in the event that the patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

The undersigned is empowered to act on behalf of the petitioner/assignee. The undersigned has reviewed the evidentiary documents in the chain of title of the present application identified above, and certifies that, to the best of assignee's knowledge and belief, title is in the assignee Xencor.

CONCLUSION

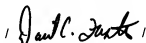
Also included herewith is the terminal disclaimer fee of \$65.00 under 37 C.F.R. 1.20(d). While Applicants believe that no other fees are due at this time, the Commissioner is authorized to charge any fees, including extension fees or any other relief that may be required, in connection with this reply to Deposit Account 50-0310 (Docket No. 067461-5105-US01).

Respectfully submitted,

Dated: November 6, 2007

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filed under 37 C.F.R. §1.34